

**4459. Misbranding of "Dr. Sykes' Sure Cure for Catarrh." U. S. v. Dr. Sykes Sure Cure Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 6489. I. S. Nos. 1692-e, 2897-e.)**

On October 23, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dr. Skyes Sure Cure Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 6, 1912, from the State of Illinois into the State of California, and on or about November 26, 1912, from the State of Illinois into the State of New York, of quantities of an article called "Dr. Sykes' Sure Cure for Catarrh," which was misbranded. The article was labeled: (Blown in bottle) "Dr. Sykes' Sure Cure for Catarrh." (On carton) "See that the words 'Dr. Sykes' Catarrh Cure,' are blown on the enclosed bottle. Dr. Sykes' (trade mark) Catarrh Cure 2½% Alcohol. No. 1121. Guaranteed under the Food and Drugs Act, June 30, 1906. This common sense remedy, originated in 1870 by Dr. C. R. Sykes, is used both locally and constitutionally. It gives immediate and permanent relief. Circular of directions inside, that will apply to every case and condition. Be Sure to Read and Follow Them. Price, One Dollar. Six at one time for Five Dollars. Address all Orders and Communications, Dr. Sykes Sure Cure Co. (Inc.) Chicago, Ill. Established 1870. Entered according to Act of Congress, in the year 1874, by Dr. C. R. Sykes, in the office of the Librarian of Congress, at Washington. Other Copyrights secured extending back to 1870. Protect from Extremes of Heat and Cold. Cured at Last by His Own Remedy. Dr. C. R. Sykes Probably no person ever suffered more from Head, Throat and Bronchial Catarrh than C. R. Sykes for twenty-four years up to the year 1870, when, as a druggist in the City of Chicago, he compiled the simple remedies which cured himself. After this he took a course of medical studies and graduated as an M. D. in Bennett Medical College, Chicago, and the rest of his life was spent in successfully treating Catarrh until 1897, when he died of pneumonia at Ontario, Cal. The circular or pamphlet accompanying the article contained, among other things, the following: "Dr. Sykes Sure Cure for Catarrh." "Cured at Last by His Own Remedy. Probably no person living has suffered more from head, Throat and Lung difficulties, combined with Scrofula, than the Doctor himself for twenty-four years, and now but few healthier men can be found; his experience and advice are therefore invaluable." "Statistics show that about One Hundred Thousand persons die annually in the United States from Consumption alone, and that three-fourths of all these cases originate in catarrh. Coupling this with the fact that my life was despaired of in the winter of 1869 and 1870, by reason of Catarrh and Consumption and that by this, my own remedy, I was cured of both, it can be no wonder to any that I now make a specialty of Catarrh and its various complications, or surprise them that my success is without a parallel. Dr. C. R. Sykes." "Catarrh Can Be Cured! The \* Right \* Remedy \* Found \* At \* Last." "The first stages of Diabetes Mellitus readily respond to its influences."

Analysis of samples of the article by the Bureau of Chemistry of this department showed the following results:

*Sample from the California shipment:*

Potassium chlorate (grams per 100 cc)-----	2.9
Ash (grams per 100 cc)-----	2.79
Alcohol (per cent by volume)-----	2.6
Ammonium chlorid (gram per 100 cc)-----	0.04
Hydrastine and berberine: Present.	
Drug extractive: Trace only.	
Methyl salicylate: Present.	

*Sample from the New York shipment:*

Alcohol (per cent by volume)-----	1. 71
Nonvolatile matter (grams per 100 cc)-----	3. 02
Ash (grams per 100 cc)-----	1. 68
Ammonium salt, as ammonium chlorid (gram per 100 cc) --	0. 05
Potassium chlorate, calculated from ash (grams per 100 cc)	2. 72
Chlorate: Present.	
Chlorid: Present.	
Methyl salicylate and salicylic acid: Present.	
Hydrastine: Traces indicated.	

Misbranding of the article contained in both shipments was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (Blown in bottle) "Dr. Sykes' Sure Cure for Catarrh." (On carton) "Dr. Sykes' Catarrh Cure." "Cured at Last by His Own Remedy. Dr. C. R. Sykes Probably no person ever suffered more from Head, Throat and Bronchial Catarrh than C. R. Sykes for twenty-four years up to the year 1870, when, as a druggist in the City of Chicago, he compiled the simple remedies which cured himself," and included in the circular or pamphlet aforesaid, to wit, "Dr. Sykes' Sure Cure for Catarrh," "Cured at Last by His Own Remedy \* \* \* my life was despaired of in the winter of 1869 and 1870, by reason of catarrh and Consumption \* \* \* by this, my own remedy, I was cured of both \* \* \*," "Catarrh Can Be Cured: The \* Right \* Remedy \* Found \* At \* Last," "The first stages of Diabetes Mellitus readily respond to its influences," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for catarrh and consumption, and effective as a remedy for diabetes mellitus in its first stages, when, in truth and in fact, it was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On November 11, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*